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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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26615 7590 07/27/2004
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EXAMINER

BAUM, RONALD

ART UNIT PAPER NUMBER

2136

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/741,103	SHAMBROOM, W. DAVID	
	Examiner	Art Unit	
	Ronald Baum	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/05/2001</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-37 are pending for examination.
2. Claims 1-37 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung, U.S. Patent 5,241,594.
4. As per claim 1; "A method for providing secure communication of commands from a client to a plurality of hosts via a network server [figure 1-3 and accompanying descriptions], comprising: receiving at least one command from the client [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, (i.e., the TELNET request/response inclusive of the authentication sequence)]; initiating one or more remote execution processes for processing the at least one command [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process]; transmitting the at least one command to one or more of the hosts via the one or more remote execution processes [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23]; obtaining, from the one or more remote execution processes, data associated

with the one or more hosts executing the at least one command [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path]; formatting the data [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path in some specified and pre-designated or standard format]; and sending the formatted data to the client [col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23].”;

Further, as per claim 13; “A system [This claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection] for providing secure communication of commands from a client to a plurality of hosts via a network server, comprising: means for receiving a plurality of commands from the client; means for initiating one or more remote execution processes for processing the commands; means for transmitting the commands to one or more of the hosts via the one or more remote execution processes; means for obtaining data from the one or more remote execution processes in response to the one or more hosts executing the commands; and means for sending the data to the client.”.

Further, as per claim 14; “A computer-readable medium [This claim is the software computer-readable medium claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection] that stores instructions executable by one or more processors for performing a method for providing secure communication of messages from a client to a plurality of hosts via a network server, comprising: instructions for acquiring at least one message from the client; instructions for initiating one or more remote execution processes for processing the at least one message; instructions for transmitting the at least one message to

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one or more of the hosts via the one or more remote execution processes; instructions for obtaining, from the one or more remote execution processes, data associated with the one or more hosts processing the at least one message; and instructions for transmitting the data to the client.”

Further, as per claim 26; “A network server [This claim is the server part of the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection] in communication with one or more clients and a plurality of hosts, comprising: a service interface configured to receive a plurality of messages from the clients and transmit data associated with the messages to the clients; and a parallel execution utility configured to initiate one or more of a plurality of remote execution processes to process the messages from the clients, transmit the messages to one or more of the hosts via the one or more remote execution processes, obtain, from the one or more remote execution processes, data associated with the one or more hosts processing the messages, and provide the data to the service interface.”

5. Claim 2 ***additionally recites*** the limitation that; “The method of claim 1, further comprising: determining a maximum number of remote execution processes that may run simultaneously.” The teachings of Kung suggest such limitations (col. 2, line 12-col. 3, line 39, whereas the central server system clearly determines “who” it’s communicating with (i.e., the number of such network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.);

Further, as per claim 15 ***additionally reciting*** the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 2

above, and is rejected for the same reasons provided for the claim 2 rejection] of claim 14, further comprising: instructions for determining a maximum number of remote execution processes that may run simultaneously.”.

Further, as per claim 27 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection] of claim 26, wherein the parallel execution utility is further configured to determine a maximum number of the remote execution processes that may run simultaneously.”.

6. Claim 3 *additionally recites* the limitation that; “The method of claim 2, wherein the initiating includes: creating no more than the maximum number of remote execution processes to process the at least one command. ”. The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, whereas the central server system clearly determines “who” it’s communicating with (i.e., the number of such network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.), and clearly, as for the case for TELNET, is a specific (i.e., a maximum number) of open TELNET communications channels.);

Further, as per claim 16 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection] of claim 15, wherein the instructions for initiating include: instructions for creating no more than the maximum number of remote execution processes to process the at least one message.”.

Further, as per claim 28 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection] of claim 27, wherein the parallel execution utility is configured to create no more than the maximum number of remote execution processes to process the messages.”.

7. Claim 4 *additionally recites* the limitation that; “The method of claim 1, further comprising: determining whether any of the one or more remote execution processes is running.”. The teachings of Kung suggest such limitations (col. 2, line 12-col. 3, line 39, whereas the authentication process will clearly produce a result that is sent back through the communications path, and further, the central server system clearly determines “who” it’s communicating with (i.e., the number of such network nodes) so that the server knows what to control (i.e., “who” is authenticated), and therefore sent commands associated with the access to resources, etc.);

Further, as per claim 17 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection] of claim 14, further comprising: instructions for determining whether any of the one or more remote execution processes is running.”.

Further, as per claim 29 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection] of claim 26, wherein the parallel

execution utility is configured to determine whether any of the one or more remote execution processes is running.”.

8. Claim 5 *additionally recites* the limitation that; “The method of claim 4, wherein the obtaining data includes: waiting for one of the one or more remote execution processes to exit, and storing data from the one remote execution process.”. The teachings of Kung suggest such limitations (col. 2, line 12-col. 3, line 39, whereas the authentication process will clearly produce a result that is sent back through the communications path, and further, the remote servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication) prior to communicating such information back through the communications path.);

Further, as per claim 18 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection] of claim 17, wherein the instructions for obtaining data include: instructions for waiting for one of the one or more remote execution processes to exit, and instructions for storing data from the one remote execution process.”.

Further, as per claim 30 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection] of claim 29, wherein the parallel execution utility is configured to wait for one of the one or more remote execution processes to exit and gather data from the one remote execution process.”.

9. Claim 6 ***additionally recites*** the limitation that; “The method of claim 1, wherein the formatting includes: grouping data from each of the one or more remote execution processes, and serializing the data.”. The teachings of Kung suggest such limitations (col. 2, line 12-col. 7, line 23, whereas the authentication process will clearly produce a result that is sent back through the communications path in some specified and pre-designated or standard format. Further, since the network communications (i.e., remote servers/computer nodes to central (multiple logon) server to client server/computer node) is via secure transport layer protocol (ISO TCP/IP), the format of the data returning is inherently serial as to the packet to packet transfer following the authentication for each network node involved in the secure communications setup (i.e., authentication of passwords, etc.)).

Further, as per claim 19 ***additionally reciting*** the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection] of claim 14, further comprising: instructions for grouping data from each of the one or more remote execution processes; and instructions for serializing the data for transmission to the client.”.

Further, as per claim 31 ***additionally reciting*** the limitation that; “The network server [This claim is the server part of the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection] of claim 26, wherein the parallel execution utility is configured to group data from each of the one or more remote execution processes and serialize the data for transmission to the clients.”.

10. Claim 7 ***additionally recites*** the limitation that; “The method of claim 1, further comprising: determining that another remote execution process needs to be initiated; and initiating the other remote execution process.”. The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, col. 4,lines 60-col. 7,line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process initiated. The system is clearly configured on a demand basis such that a second, and further subsequent, command would require further authentication, and therefore additional remote execution process initiations.);

Further, as per claim 20 ***additionally reciting*** the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection] of claim 14, further comprising: instructions for determining that another remote execution process needs to be initiated; and instructions for initiating the other remote execution process.”.

Further, as per claim 32 ***additionally reciting*** the limitation that; “The network server [This claim is the server part of the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection] of claim 26, wherein the parallel execution utility is configured to determine that another one of the remote execution processes needs to be initiated and initiate the other remote execution process.”.

11. Claim 8 ***additionally recites*** the limitation that; “The method of claim 1, wherein the initiating includes: creating a list of the one or more remote execution processes that have been initiated.”. The teachings of Kung suggest such limitations (col. 2,line12-col. 3,line 39, whereas

the authentication process will clearly produce a result that is sent back through the communications path, and further, the remote servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication) prior to communicating such information back through the communications path. It is inherent that the data structures of computers processing multiple instances (i.e., the state of remote execution processes) would be organized in a “list” structure, either in memory, or stored in mass storage (i.e., hard drive or equivalent mass storage media).);

Further, as per claim 21 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection] of claim 14, wherein the instructions for initiating include: instructions for creating a list of the one or more remote execution processes that have been initiated.”.

Further, as per claim 33 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection] of claim 26, wherein the parallel execution utility is configured to create a list of the one or more remote execution processes that have been initiated.”.

12. Claim 9 *additionally recites* the limitation that; “The method of claim 8, further comprising: setting a time of an alarm event; and obtaining a status of the one or more remote execution processes on the list when the alarm event occurs.”. The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the

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various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to.);

Further, as per claim 22 ***additionally reciting*** the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection] of claim 21, further comprising: instructions for setting a time of an alarm event; and instructions for obtaining a status of the one or more remote execution processes on the list when the alarm event occurs.”.

Further, as per claim 34 ***additionally reciting*** the limitation that; “The network server [This claim is the server part of the system claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection] of claim 33, wherein the parallel execution utility is configured to set a time of an alarm event and obtain a status of the one or more remote execution processes on the list when the alarm event occurs.”.

13. Claim 10 ***additionally recites*** the limitation that; “The method of claim 9, wherein the obtaining a status includes: determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the

next remote execution process has been running for at least the first amount of time.”. The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time” as the re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result.);

Further, as per claim 23 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection] of claim 22, wherein the instructions for obtaining a status include: instructions for determining whether the next remote execution process has been running for a first amount of time, and instructions for terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time.”.

Further, as per claim 35 *additionally reciting* the limitation that, “The network server [This claim is the server part of the system claim for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection] of claim 34, wherein the parallel execution utility is configured to determine whether the next remote execution process has been running for a first amount of time and terminate the next remote execution process when the next remote execution process has been running for at least the first amount of time.”.

14. Claim 11 *additionally recites* the limitation that; “The method of claim 10, wherein the obtaining a status further includes: determining whether the next remote execution process has been running for a second amount of time, the second amount of time being less than the first amount of time, and setting a next alarm event when the next remote execution process has been running the second amount of time.”. The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first

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amount of time” as the re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result. Further, the examiner broadly interprets the “...setting a next alarm event when the next remote execution process has been running the second amount of time...” to be the sequentially occurring event where a second non acknowledged packet transfer/connection setup error occurs.);

Further, as per claim 24 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 11 above, and is rejected for the same reasons provided for the claim 11 rejection] of claim 23, wherein the instructions for obtaining a status further include: instructions for determining whether the next remote execution process has been running for a second amount of time less than the first amount of time, and instructions for setting a next alarm event when the next remote execution process has been running no more than the second amount of time.”.

Further, as per claim 36 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 11 above, and is rejected for the same reasons provided for the claim 11 rejection] of claim 35, wherein the parallel execution utility is configured to determine whether the next remote execution process has been running for a second amount of time less than the first amount of time, and set a next alarm event when the next remote execution process has been running no more than the second amount of time.”.

15. Claim 12 *additionally recites* the limitation that; “The method of claim 11, wherein the obtaining data includes: storing data from the next remote execution process when the next

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remote execution process has been running less than the first amount of time but at least the second amount of time.” The teachings of Kung suggest such limitations (col. 4, lines 60-col. 7, line 23, whereas the authentication processing at the various remote host computers (i.e., database, applications servers) clearly constitutes a remote execution process, and further, the use of “operational TCP/IP protocol installed” used for the communications networking inherently utilizes TCP timeout timer expiration as an alarm condition, typically as a result of non acknowledged packet transfer/connection setup. Since the non-acknowledged packet transfer/connection setup state results in a re-transmission, then the remote execution processes that have been initiated list will have to be referenced in order to determine “who” to re-transmit to. The examiner broadly interprets the “determining whether the next remote execution process has been running for a first amount of time, and terminating the next remote execution process when the next remote execution process has been running for at least the first amount of time” as the re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result. Further, the examiner broadly interprets the “... setting a next alarm event when the next remote execution process has been running the second amount of time...” to be the sequentially occurring event where a second non acknowledged packet transfer/connection setup error occurs. The involved servers inherently will store data associated with the state(s) of any ongoing processing (i.e., building a formatted message (results of authentication, or re-transmission sequence as applied to the non-acknowledged packet transfer/connection setup state alarm condition result) prior to communicating such information back through the communications path);

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Further, as per claim 25 *additionally reciting* the limitation that; “The computer-readable medium [This claim is the software computer-readable medium claim for the method claim 12 above, and is rejected for the same reasons provided for the claim 12 rejection] of claim 24, wherein the instructions for obtaining data include: instructions for storing data from the next remote execution process when the next remote execution process has been running less than the first amount of time but at least the second amount of time.”.

Further, as per claim 37 *additionally reciting* the limitation that; “The network server [This claim is the server part of the system claim for the method claim 12 above, and is rejected for the same reasons provided for the claim 12 rejection] of claim 36, wherein the parallel execution utility is configured to gather data from the next remote execution process when the next remote execution process has been running less than the first amount of time but at least the second amount of time.”.

Conclusion

16. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (703) 305-4276. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned are:

After-final (703) 746-7238

Official (703) 746-7239

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Non-Official/Draft (703) 746-7246

Ronald Baum

Patent Examiner


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